

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 7-19-2012
TIME: 11:34 a.m. (8 minutes)

Ebbert, et al. v. Nassau County, et al.,
CV 05-5445 () (AKT)

TYPE OF CONFERENCE: **ORDER TO SHOW CAUSE HEARING**

APPEARANCES: Plaintiffs: Janice Goodman (via telephone)

Defendants: Barbara VanRiper

Settlement Administrator: Abigail Pessen (via telephone)

FTR: 11:34-11:42

THE FOLLOWING RULINGS WERE MADE:

1. The Court set today's Order To Show Cause Hearing as a result of the July 9, 2012 correspondence received from the Settlement Administrator that her outstanding invoices had not been paid, nor had the outstanding bill to APT Metrics been paid.

I conducted a further inquiry of Defendants' counsel and find that no good cause has been established for the failure to pay the amounts owed pursuant to the Settlement Agreement and further agreements between counsel. Defendants' counsel raised an issue concerning the residual funds in the escrow account. I have directed Defendants' counsel to have a further conversation with Plaintiffs' counsel with regard to these concerns by the close of business tomorrow.

2. Having found no good cause for the delay in payment, I have directed Defendants' counsel to make the payments outstanding to both the Settlement Administrator and APT Metrics no later than August 9, 2012.

Should these payments not be made by August 9, 2012, I am further imposing a sanction of \$250 per day respectively for the delinquent payments owed to both the Settlement Administrator and APT Metrics, beginning August 10, 2012, and for each day thereafter that the bills remain unpaid, up until such time as payment is made in full. The sanction is self-effectuating.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge